

REMARKS/ARGUMENTS

Claim 1 and 2-24 are pending. Claims 2-21 have been cancelled without prejudice. New Claim 23 is part (d) of Claim 1 rewritten in independent form. Support for new Claim 22 and 24 can be found for example on page 11, lines 17-21.

Restriction Requirement

The Applicants elect with traverse Group III, Claim 1, drawn to a method of evaluating compounds which are effective for treatment or prevention of obesity comprising a step in which the test compound is contacted with LCE protein and a step in which it is confirmed whether or not said test compound exhibits an effect on the activity of the LCE protein.

The Applicants believe that Group IV, Claim 1, should be included with Group III, Claim 1, because both groups are drawn to measuring the effect of a compound on the activity of the LCE protein. The difference in the groups is that in Group IV, the method further specifies that a plurality of elongases be included in the method. It is not believed that prosecuting Group III and Group IV together will present an undue burden on examination of the application because a search of the method of Group III, Claim 1, i.e., a method for evaluating compounds that uses LCE protein and measures the compound's affect on LCE activity will necessarily include the method of Group IV, Claim 1, i.e., a method that uses LCE protein in mixture with elongases and measures the compound's effect on LCE activity, and vice versa. Thus, a search of methods that screen compounds for an effect on LCE protein activity will necessarily include both Group III and Group IV.

Because of the nature of Claim 1 and the restriction requirement, Group IV, Claim 1, was been rewritten as new Claim 23.

In summary, the Applicants elect Group III, Claim 1, with traverse and propose that Group IV, Claim 1, be joined with Group III, Claim1 (now new Claim 23) and both be examined simultaneously as a search of one group will necessarily include a search of the other group.

In view of the foregoing amendments and remarks, it is believed that the claims are in proper condition for allowance. Accordingly, Applicants respectfully request that a Notice of Allowance be forwarded to the Applicants. The Examiner is invited to contact Applicants' Attorney at the telephone number given below, if such would expedite the allowance of this application.

Application No.: 10/564,311
Amendment Date: 25-Oct-07
Reply to Office Action of: 04 Oct 07

Favorable action is earnestly solicited.

CONDITIONAL PETITION

Applicant hereby makes a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to effect this Conditional Petition.

Respectfully submitted,

By 

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